

BILL ANALYSIS

C.S.H.B. 3379
By: Leman
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that the current standard for reporting suspected child abuse or neglect, which is simply having any cause to believe reportable conduct has occurred, is overly broad and could lead to a person submitting a false report that would only distress the child in question and waste investigatory resources. Additionally, this overly broad reporting standard could also lead to a person who did not submit an initial report being charged for failing to do so even though they had no real information to indicate abuse or neglect had taken place. C.S.H.B. 3379 seeks to address these issues by changing the reporting standard so that a person has a duty to report child abuse or neglect only when there is reasonable cause to believe reportable conduct has occurred.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3379 amends the Family Code to limit the circumstances under which there is a duty for an applicable professional or other person to report child abuse or neglect to a circumstance in which the professional or person has reasonable cause to believe that reportable conduct has occurred. A person who with due diligence in good faith timely determines whether they are required to make a report does not commit an offense if they reasonably determine they lack reasonable cause to make the report. The bill expressly does not require the person to act with due diligence to determine whether a report must be made.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3379 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not change the circumstances under which there is a duty to report child abuse and neglect based on a person having credible information that causes the person to

believe reportable conduct occurred. The substitute instead establishes a reasonable cause reporting standard and applies that reasonable cause standard also to all circumstances under which there is a duty to report child abuse and neglect.

The substitute includes a provision establishing that a person who with due diligence in good faith timely determines whether they are required to make a report does not commit an offense if they reasonably determine they lack reasonable cause to make the report.

The substitute includes a provision specifying that the bill does not require a person to act with due diligence to determine whether a report must be made.